

(1) Acquire, directly or indirectly, any share or interest in the distribution of water from any canal.

(2) Purchase or bid, either in person or by agent, or in his own name or in the name of another, jointly or in shares with others, for any Government property in, on or appertaining to, any canal.

Breach of this rule shall be punishable with a penalty under Section 61, clause (9), of the Act.

11. When separate water rates have not been fixed by Government, but Annual Return No. VIII. a consolidated soil and water-rate is levied, the Collector shall furnish the Superintending Engineer, through the Executive Engineer of the district and the Examiner of Public Works Accounts, with an annual general Return of consolidated Revenue in the form of Appendix No. VIII, as soon after the close of the year as possible.

12. The Collectors in Sind shall furnish the Superintending Engineer and Annual Return No. IX. the Examiner of Public Works Accounts on the 15th April of each year with Returns in the form of Appendix No. IX for kharif and rabi, respectively, of receipts from hakabo on jaghir lands and of miscellaneous receipts from canals.

RULES AND ORDERS UNDER BOMBAY ACT I OF 1880.

(Khoti Settlement.)

RULES UNDER CLAUSES (a), (b), (e) AND (f) OF SECTION 40 OF THE ACT.

Notn. No. 1659, Revenue, dated 11th March 1882, B. G. G., 1882, Pt. I, p. 262.

In exercise of the power conferred on him in this behalf under Section 40 of the Khoti Settlement Act, 1880 (Bombay Act I of 1880), the Governor in Council is pleased to frame the following Rules under Clauses (a), (b), (e) and (f) of that Section (namely) :—

Crop Appraisalment Rules under Clause (a).

[^a] I. Whenever the rent payable to the khot consists of a share of the produce of the tenant's land, the amount of produce claimable by the khot shall be ascertained by an estimate of the probable yield of the crop of each field to be made by the khot on an inspection of the crop a reasonable time before the same is ready for reaping in the presence of the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent, and of two respectable witnesses, one of whom is able to read and write, provided that unless the tenant otherwise desires the khot shall inspect and appraise the crops specified below on or before the dates entered below :—

Halwa Nagli.—On or before the 10th September.

Other Halwa crops.—On or before the 1st October.

[^a] New Rules were substituted for the original Rules I, III, IV, V, VI, VIII and X by G. N. No. 6720, Revenue, dated 22nd September 1886, B. G. G., 1886, Pt. I, p. 803.

Late crops, that is harik, kulith, udid, tág, and túr.—On or before the 15th November.

Other late crops.—On or before the 1st November.

Rabi, e. g., gram, &c.—On or before the 1st March.

Summer crops, e. g., páwta, &c.—On or before the 20th March.

Hot weather crops, e. g., rice (wáigan), náchni (gimvas), jack-fruit &c.—On or before the 20th May.

Provided further that in the case of bágáyat crops the Mámlatdár or Mahálkari shall decide what constitutes a reasonable time within the meaning of this rule.

II. The days fixed by the khot for inspection and appraisement of crops shall be notified by him in writing to all and every one of his tenants in the village, and the Police Patel shall be directed by the Collector to affix notices to the temples and by beat of drum and otherwise to make these dates known at least seven days previously, and if for any sufficient cause (as that the crop is not ripe, &c.) any crop is not inspected or appraised on the days so fixed, the inspection and appraisement shall not, except with the consent of the tenant, take place until after a similar second notification has been made in the village. But the date fixed by the second notification must be within the limits specified in the preceding rule.

[^a] III. If notwithstanding that the days fixed for the inspection and appraisement have been notified as aforesaid, the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent, is not present in his field on the days so fixed, the khot shall nevertheless proceed to inspect and appraise such tenant's crops and shall inform such tenant in writing of the appraisement so made within 24 hours of the same by sending him a copy of the entries relating to his fields by the khot in the abhavani patrak mentioned in the rule immediately following.

[^a] IV. It shall be the duty of the khot to keep a book to be called the abhavani patrak in such form as the Collector may, from time to time, prescribe in which he shall at the time of every inspection and appraisement that he shall make, enter on the spot the particulars of such inspection and appraisement, or cause the same to be entered. Each entry in the said book shall bear the date on which it is made, and shall be signed by the khot making the inspection and appraisement, by both witnesses, and also, if the tenant or a member of his family appointed by him in writing for that purpose, or his legally appointed agent be present and admit the correctness of the entry, by the tenant, such member of his family, or such agent, provided always, that such tenant, member or agent is able to write his name and does not use a mark.

[^a] V. The khot shall be bound, if the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent is present, to give him then and there a signed copy of the entries relating to his fields made in the abhavani patrak. If the tenant admits the correctness of the entries and has brought his receipt-book, the entries shall be copied on the debit side of the receipt book. In all other cases the copy shall be on a separate slip.

[^a] New Rules were substituted for the original Rules I, III, IV, V, VI, VIII and X by G. N. No. 6720, Revenue, dated 22nd September 1886, B. G. G., 1886, Pt. I, p. 803.

[a] VI. An entry duly made in the abhavani patrak in accordance with the foregoing provisions, and signed with his name by the tenant or a member of his family appointed by him in writing for that purpose, or his legally appointed agent shall be conclusive evidence of the facts therein recorded, and the appraisement shall be deemed to be final; and an entry so made when the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent fails to be present, shall be presumed to be correct until the contrary is proved in the manner prescribed in the next following rule, and provided the tenant has been informed of the appraisement in the manner prescribed in the last part of Rule III.

VII. A tenant who has not signed the abhavani patrak, or who has signed it with a mark only, may, if dissatisfied with the appraisement, petition the Mámlatdár or Mahálkari of the Táluka or Mahál in which the village is situate, within six days of the khot making the appraisement, and such officer shall forthwith nominate three respectable inhabitants of the village or its neighbourhood to inspect and appraise the crop within seven days. The appraisement made by such persons, or a majority of them, shall be final and shall be entered by the khot at the time it is made in the Abhavani Patrak, and the entry shall be signed by the said three persons or the majority of them.

[a] VIII. If the khot fails to keep an abhavani patrak or to inspect or appraise the crop at the time and in the manner laid down in Rule I or to make an entry or to cause the same to be made therein in the manner hereinbefore provided, or to give information to the tenant in the manner provided in Rule III, he shall be entitled to recover from the tenant such rent only as may be due according to the yield of the crop admitted by the tenant.

IX. It shall not be lawful for a tenant to reap his crop until after the same has been inspected and appraised, or until the expiry of the dates mentioned in Rule I within which the inspections and appraisements of crops by the khot should be completed. If the tenant reaps his crop in contravention of the above rule every presumption on doubtful points shall be made in the khot's favour.

[a] X. If the tenant without making a petition under Rule VII reaps his crop after it has been inspected and appraised by the khot in the presence of such tenant or a member of his family appointed by him in writing for that purpose, or his legally appointed agent, or after the khot has given such tenant information in the manner provided in Rule III, he shall be deemed to have admitted the correctness of the khot's estimate.

Rules under Clause (b).

I. An entry in the Paháni Kharda of *Dhára*, if not rebutted, shall be conclusive proof of *dhára*. If the Paháni Kharda only shows that a certain area was held as *dhára*, but gives no *thikáns*, the land to be entered as *dhára* shall be chosen at the discretion of the Settlement Officer from the survey numbers in the rayat's possession; always provided that the area and the proportion of rice to Varkas land which may be given in the Paháni Kharda be not exceeded, and that if no information is available as to the said proportion, it shall be assumed to be 1 acre of rice to 4 acres of Varkas.

[a] New Rules were substituted for the original Rules I, III, IV, V, VI, VIII and X. by G. N. No. 6720, Revenue, dated 22nd September 1886, B. G. G., 1886, Pt. I, p. 808.

II. Where there is no Paháni Kharda but a Goshwára entry only, this entry if not rebutted, shall be conclusive proof that the Khátedár holds some *dhára*. To ascertain the area of his *dhára* it will be necessary to discover at what rates the land assessment of the village was fixed. Evidence of this may be obtained from the Paháni Khardas of surrounding villages or otherwise. The Settlement Officer shall then proceed as in the last clause of Rule I. If the land assessment rates cannot be ascertained to the satisfaction of the Settlement Officer, the highest rate known to have existed at the date of the Goshwára must be taken as a basis and the same procedure followed.

III. The evidence of entry in Paháni Kharda or Goshwára may be rebutted by the khot producing written proof from his accounts that he has taken "*Thal*" or *Makta* payments for three consecutive years within the twelve years preceding the introduction of the survey. In "*Thal*" he must show for Varkas land payments in successive years from the same land of the three crops of Náchni, Wari, and Harik.

IV. If there is no Paháni Kharda or Goshwára, the possession of *dhára* may be proved by the production of receipt-books showing *dhára* payments for a sufficient number of years to satisfy the Settlement Officer. If no thikáns are given in the receipt-books, he shall proceed as in the last clause of Rule I.

V. If a rayat is proved to hold some *dhára*, and if it is not proved that any of the land in his possession has paid *thal*, the whole of the land in his possession shall be entered as *dhára*.

Rules under Clause (c).

I. When a khot sharer sells any of his private khoti land (Khoti Khásgi), the buyer thereof shall be entered in the survey papers in respect of that land as an occupancy tenant paying customary rates with the right to alienate his land.

II. A Khelta Dhárekari shall be bound every year, on or before the 30th April, to give notice to the khot, stating what fields in the Khoti Nisbat Kháta he intends during the ensuing season to cultivate at *dhára* rates. If he fails to do so, he will be presumed to have waived his right for that season and will have to pay "*Thal*" for any khoti land that he does cultivate.

III. The rent payable to the managing khot by khot sharers for their private khoti land shall be the customary rates of the village for occupancy tenants, unless it is proved that before 1865 khot sharers paid a *Makta* or a lower rate of "*Thal*," in which case the ancient practice shall be followed.

IV. Land about which there is, or has been, a boundary dispute between two villages shall be entered in the name of the occupant as follows:—

- (a) If both villages are Niwal Dhára as *dhára* land.
- (b) If both villages are Niwal Khoti, as occupancy tenant's land paying ardbel and tirdhel.
- (c) In any other case, as occupancy tenant's land paying survey assessment and local fund cess only.

V. [a] [a] A Khelta Dhárekari has no right to cut trees.

[a]—[a] The first sentence of this rule was rescinded by Notification No. 6972, dated 12th October 1887, B. G. G., 1887, Pt. I, p. 863.

VI. The khot shall keep under Section 15 the following three accounts :—

1. The Appraisement Register.
2. The Ledger.
3. The Rayat's Receipt-books.

They shall be kept in the forms hereunto annexed (Appendix I).

The Appraisement Register shall be filled up at the time of the crop appraisement in the manner laid down in Rule IV of the Appraisement Rules under clause (a) of Section 40.

The Ledger is to be kept in the ordinary form of debit and credit account, showing the amount due from and paid by each rayat in a separate kháta for each kháta of the Botkhat. The items of the debit side of the rayat's account relating to grain payments are to be written up within 15 days from the date within which the appraisement of the crops to which the items severally relate must be made under the Appraisement Rules.

The rayat's receipt-book is to be written up on the debit side, in cases of grain payments, within one month from the several dates within which the appraisement of the crops must severally be made; in cases of dhára or quasi-dhára payments, before the 1st September.

Whenever a payment is made by a rayat, a receipt is then and there to be entered by the khot on the credit side of the rayat's receipt-book and the book returned to its owner.

• If the rayats do not bring their books to be written up on the debit side within the proper time, the khot shall immediately on the expiry of the period make a report to the Mámlatdár or Maháلكari to that effect, who will then issue the necessary instructions to the rayats.

If a rayat brings grain or cash in payment of his revenue to the khot without bringing his receipt-book also, the khot shall accept the payment, but note the omission in the entry of payment in the rayat's kháta and give a separate dated receipt.

All the account-books must be brought or sent by the khot to the kacheri of the Mámlatdár or Maháلكari to be sealed on or before the 1st July of the year preceding that for which they are to be used. This includes fresh rayat's receipt-books which must be handed over to the khot for this purpose by the rayat on or before the 1st June of the year preceding that in which they are to be first used.

Every page of every account-book shall be sealed. The books for the first two accounts shall be provided by the khot. Each rayat shall provide his own receipt-book. Besides the three accounts above mentioned the khot shall take a copy of the *Botkhat* at his own expense, and shall keep it properly corrected, as the Mámlatdár or Maháلكari shall notify.

The copy of the *Botkhat* so made shall, if the village be attached, be delivered up by the khot to the Mámlatdár for the use of the Japtidár, and on the attachment ceasing shall be returned to the khot. The khot shall also take a copy of the "*Sud*" and "*Phalni*" books. If he does not do so, he will be responsible for any mistakes that might have been prevented by the use of those books, but shall not be subject to any other penalty.

Survey Number.	Pot or Pháhi Number.	Area.	Assessment.

and I (or we) do request that an entry to this effect may be made in the Botkhat of the said village.

(Signed)——

(Date)——

All the known khot sharers or their duly empowered attorneys shall sign—otherwise the application will be rejected.

V. Under Section 27, if there is no agreement as to the order of rotation the Mámlatdár or Mahalkari shall, on or before the 1st June in each year, issue a notice calling on the co-sharers to nominate one of their number on or before the 30th of June to be Managing Khot for the following revenue year.

VI. The dates for the payments of instalments of the khot's jama shall be as at present, *viz.*, 15th December, 1st February, 15th March, 1st May.

The dates for payment of rents by dhárekaris and quasi-dhárekaris shall be the same as for khots; but a dupetkari shall pay his grain rents on the same dates as occupancy tenants do.

Occupancy tenants shall pay their grain rents as follows:—

On the 15th December—

Half the total *Thal* payment due in *Halwa* or early rice and *Mahán* or late rice and the total *Thal* payment due in *Halwa Varkas*.

On the 1st February—

The other half of the total *Thal* payment due in *Halwa* rice and *Mahán* rice and half the total *Thal* payment due in *Mahán Varkas*.

On the 15th March—

The other half of total *Thal* payment due in *Mahán Varkas*.

On the 1st June—

The total *Thal* payment due on account of all other crops, except *Bágáyat*, the *Thal* payment for which must be paid within what the Mámlatdár or Mahalkari in each disputed case may consider a reasonable time.

If the occupancy tenant pays a *Makta* he shall pay it in three equal instalments on the 15th December, 1st February and 15th March.

VII. The certificate to be given to the Managing Khot under Section 29 is to be in the form hereto annexed (Appendix I, Form 4).